

REMARKS

The Office Action dated December 13, 2007, has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto.

Claims 1 – 8 are presented for reconsideration. The restriction requirement has been withdrawn. Claim 9 is being cancelled. Claims 5 and 6 are being amended to more particularly point out and distinctly claim the invention. Clear support can be found at least in paragraphs [0041] and [0043] of the present specification. No new matter has been added.

Claims 5 – 9 were rejected under 35 U.S.C. 112, sixth paragraph as being indefinite. Claims 5 and 6 have been amended and now comply with all of the requirements of 35 U.S.C. 112. Withdrawal of the rejection is respectfully requested.

Claims 1 and 4 were rejected as anticipated by US Patent No. 3,114,482 to Dunaway (Dunaway). Any reapplication of this rejection would be traversed.

Dunaway discloses the dispensing of a dry powder material from a reservoir in which the powder is delivered onto the surface of a roller. The powder clings to this surface until it falls off under its own weight. In the present invention, there is no need or claim to a roller. The coating substance is claimed to fall under gravity in the direction of the surface from the end of the inclined chute. Dunaway requires the roller to carry the powder from the end of the “inclined chute” 40 as characterized by the Office Action. Further, Dunaway uses two air streams to form “curtains” in order to maintain the powder within a “restricted zone” beneath the roller. (Column 3, lines 9 – 16). There is no

teaching to use such air streams to disperse the falling powder, rather the teaching is to restrict the zone of falling powder. The present invention specifically claims dispersing the falling coating substance. Dunaway has an electrostatic charging tube for wiping the surface of the roller clean of any powder adhering thereto. (Column 4, lines 2 – 8). Dunaway specifically teaches the undesireability of having the particles of powder themselves charged. (Column 1, lines 24 – 32). In contrast, the present invention specifically claims subjecting the coating substance to an electric field whereby the coating substance is charged.

In order anticipate a claim, a reference must contain all of the limitations claimed in the same manner as the claim. Dunaway teaches the opposites of what is claimed in Claims 1 and 4 as noted above. Consequently, there is no anticipation.

Claims 1 – 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 3,221,938 to Yonkers et al (Yonkers) taken in view of US Patent No. 3,468,691 to Watkins (Watkins '691). Any reapplication of this rejection would be traversed.

Yonkers delivers a powder onto the surface of a roller from which the powder falls under its own weight. Yonkers also makes use of pressurized air streams to confine the falling powder within an area beneath the dispensing roller and makes use of an electrode to generate an electrostatic field in order to help free powder particles from the roller.

As with Dunaway discussed above, there are three key differences between the present invention as claimed and Yonkers. Firstly, the present invention does not require

the use of a roller. The coating substance falls under gravity in the direction of the surface from the end of the inclined chute. The end of the inclined chute sits above the surface. Secondly, the present invention as claimed uses the pressurized gas stream to disperse the falling coating substance, whereas Yonkers uses the streams to do the opposite, confining the falling powder to an area directly beneath the dispensing roller. Thirdly, the present invention as claimed charges the falling coating substance prior to falling onto the product to be coated. In contrast, Yonkers merely provides structure to free powder particles from the dispensing roller.

Watkins fails to cure the above deficiencies of Yonkers.

Absent any teachings of the claimed features, the Office Action fails to make a *prima facie* rejection of Claims 1 – 8. That is, clear differences exist between the invention as claimed and the prior art relied upon in the Office Action. It is respectfully submitted that these differences are more than sufficient that the present invention as claimed would not have been obvious to a person of ordinary skill in the art at the time the invention was made viewing that prior art.

Claims 1 – 9 were also provisionally rejected on the ground of no statutory obviousness-type double patenting as being unpatentable over (a) claim 1 of cop ending Application No. 11/166175 taken in view of Dunaway, (b) claim 1 of cop ending Application No. 10/959300 taken in view of Dunaway, and (c) claim 1 (or 3?) of Application No. 11/141050 taken in view of Dunaway. These rejections are traversed.

Application No. 11/166175 teaches the spraying of a coating substance onto one side of a product and subsequent charging of the overspray to attract the coating

substance back towards the product. Neither 11/166175 nor Dunaway (as discussed above) teach the charging of a falling coating substance.

Application No. 10/959300 teaches the spraying of a charged coating onto the end face of a product during slicing. Neither 10/959300 nor Dunaway (as discussed above) teach the charging of a falling coating substance.

Application No. 11/141050 teaches the spraying of a charged coating onto a product falling along an inclined wire mesh, such that an excess coating will pass through the mesh for subsequent collection and re-use. As noted above, the teachings of Dunaway with respect to air streams is to confine the falling powder within an area beneath the dispensing roller, not to disperse the powder. Contrary to the characterization in the Office Action, the air streams in Dunaway are not positioned to and are not provided to aid the flow of powder out of the hopper. It is requested that the specific support for such a characterization be pointed out.

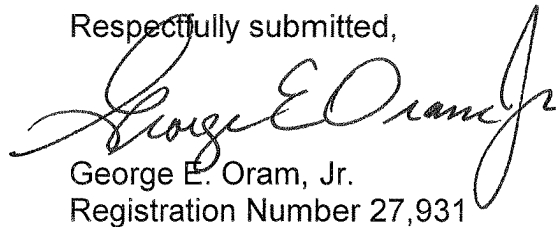
Sufficient clear differences exist between the claims of the cop ending applications even when considered with Dunaway that the present invention as claimed in this application would not have been obvious to a person of ordinary skill in the art at the time the invention was made. There is no possibility of an unjustified or improper time wise extension of the "right to exclude" or any possible harassment by multiple assignees. It is requested that these provisional rejections be withdrawn.

Applicant respectfully submits that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the

Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 108347-00032.

Respectfully submitted,



George E. Oram, Jr.
Registration Number 27,931

Customer Number 004372
ARENT FOX LLP
1050 Connecticut Avenue, NW
Suite 400
Washington, DC 20036-5339
Telephone: 202-857-6000
Fax: 202-638-4810

GEO:vmh